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FEB 12 2004

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE** OFFICE OF PETITIONS

First named inventor: Peter Lea Art Unit: 1641 #7  
Application No.: 09/831,966 Examiner: Kartic Padmanabhan  
Filed: September 5, 2001 Attorney's Ref.: 874-35/AMK  
Title: Device and Method for Analyzing a Biologic Sample

SENT BY COURIER

Attention: Office of Petitions  
Commissioner for Patents  
U.S. Patent and Trademark Office  
2011 South Clark Place  
Customer Window, **Mail Stop Petition**  
Crystal Plaza 2, Lobby, Room 1B03  
Arlington, VA 22202  
U.S.A.

Dear Sir:

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee:

Small entity - fee \$665.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

Other than small entity - fee \$ (37 CFR 1.17(m))

00271/2004 SSANDARA 00000012 09831966  
001 EC-2453 665.00 OP

2. Reply and/or fee:

A. A reply and/or fee to the above-noted Office Action in the form of a Response (identify type of reply):

[ ] has been filed previously on \_\_\_\_\_.  
[X] is enclosed herewith.

B. The issue fee of \$ \_\_\_\_\_

[ ] has been paid previously on \_\_\_\_\_.  
[ ] is enclosed herewith.

3. Terminal disclaimer with disclaimer fee:

[X] Since this utility/patent application was filed on or after June 8, 1995, no terminal disclaimer is required.

[ ] A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

09/02/04

Date)

Telephone No. (416) 971-7202  
Facsimile No. (416) 971-6638



Adrian M. Kaplan  
Registration No. 43396

c/o Dimock Stratton Clarizio LLP  
20 Queen Street West, Suite 3202, Box 102  
Toronto, Ontario  
Canada M5H 3R3

Enclosures:  Fee Payment  
 Reply  
 Terminal Disclaimer Form  
 Verified Declaration containing statements establishing unintentional delay  
 Other: Revocation and Appointment of Attorney

AMK:lf



DA/CS



# DIMOCK STRATTON CLARIZIO LLP

Barristers and Solicitors • Patent and Trade-mark Agents

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OFFICE OF PETITIONS

February 9, 2004

Commissioner for Patents  
U.S. Patent and Trademark Office  
2011 South Clark Place  
**Customer Window, Mail Stop Petition**  
Crystal Plaza 2, Lobby, Room 1B03  
Arlington, VA 22202  
U.S.A.

**Attention: Office of Petitions**

Dear Sir:

**Re: United States Patent Application No. 09/831,966**

**Title: DEVICE AND METHOD FOR ANALYZING A BIOLOGIC SAMPLE**  
**Applicant: Peter Lea**  
**Our File: 874-34/AMK**

We enclose herewith a check in the amount of \$665.00 in payment of the Petition fee, a Petition for Revival of an Application for Patent Abandoned Unintentionally, a Revocation and Appointment of Agent form, a Verified Declaration, and a Response to the Office Action dated March 27, 2003.

The Commissioner is hereby authorized to charge any deficiency or credit any overpayment in the enclosed fees to our Deposit Account No. 500663. A signed copy of this letter is enclosed for this purpose.

Yours very truly,

**DIMOCK STRATTON CLARIZIO LLP**

**ADRIAN M. KAPLAN**  
(Regn. No. 43396)

AMK:lf

Encls. signed copy of this letter  
check  
Petition for Revival of an Application for Patent Abandoned Unintentionally  
Revocation and Appointment of Agent form  
Verified Declaration  
Response to Office Action dated Mar. 27/03

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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OFFICE OF PETITIONS

In Re Application No. 09/831,966

Group Art Unit: 1743

Applicant: Peter Lea

Examiner: Samuel P. Siefke

Filing Date: September 5, 2001

Attorney's Ref.: 874-34/AMK

Title: DEVICE AND METHOD FOR ANALYZING A BIOLOGIC SAMPLE

## VIA COURIER

Commissioner for Patents  
 U.S. Patent and Trademark Office  
 2011 South Clark Place  
 Customer Window, Mail Stop Petitions  
 Crystal Plaza 2, Lobby, Room 1B03  
 Arlington, VA 22202  
 U.S.A.

Dear Sir:

## VERIFIED DECLARATION

The undersigned being hereby warned that wilful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such wilful false statements may jeopardize the validity of the application or any registration resulting therefrom, declares:

1. That the entire delay in the failure to respond to the Office Action dated March 27, 2003 as set out in the accompanying Petition for Revival was unintentional.
2. That all statements made of my own knowledge are true and all statements made on information and belief are believed to be true.

Executed at Toronto, Ontario, Canada on February 6, 2004.

UMEDIK INC.

Per:



Name: Claude Ricks  
 Title: President/COO

AMK:if